

10-27-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #58

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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: October 7, 2003

Cancellation No. 92032585

WOLVERINE WORLD WIDE, INC.

v.

TANEL ACQUISITION GROUP, INC.<sup>1</sup>

Frances S. Wolfson, Interlocutory Attorney:

Following respondent's failure to enter an appearance in this case after service, effected by publication in the Official Gazette, of the petition to cancel respondent's registration, the Board (on August 19, 2003) granted the petition to cancel. On August 27, 2003, respondent filed a request for reconsideration of the Board's order granting the petition.<sup>2</sup>

Respondent claims that its mark is still in use; that it has not occupied the address of record in this case for

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<sup>1</sup> Respondent states that Tanel Corporation is the successor in interest to Tanel Acquisition Group, Inc. However, Office records show (at Reel/Frame Nos. 1303/0329) that Tanel Acquisition Group, Inc. acquired the registration from Tanel Corporation by assignment dated November 1, 1994. Accordingly, the caption of this proceeding has not been changed.

<sup>2</sup> Respondent's communication does not indicate proof of service of a copy of same on counsel for petitioner as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said communication is forwarded herewith to petitioner, but strict compliance with Trademark Rule 2.119 is required in all further papers filed with the Board.

ten years; that it believed its former counsel had updated respondent's registered address with the Office to its current address; and that it was unaware a petition to cancel the involved registration had been filed until August 21, 2003 (after the Board issued its order granting the petition).

In view of respondent's showing, and in light of the policy of the law to decide cases on their merits, the Board's order granting the petition to cancel is hereby vacated, and respondent is allowed until THIRTY DAYS from the mailing date of this order to file an answer to the petition to cancel.

Trial dates, including the closing date for discovery, are reset as indicated below.

DISCOVERY PERIOD TO CLOSE:	<b>March 31, 2004</b>
30-day testimony period for party in the position of plaintiff to close:	<b>June 29, 2004</b>
30-day testimony period for party in the position of the defendant to close:	<b>August 28, 2004</b>
15-day rebuttal period for party in the position of the plaintiff to close:	<b>October 12, 2004</b>

**IN EACH INSTANCE**, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party **WITHIN THIRTY DAYS** after completion of the taking of testimony. Trademark Rule 2.125.



Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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